

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

TANZYBLAND

Plaintiff

v.

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* **Civil Action No.: WDO-O2-2223**

DIRECT INVESTIGATIVE SERVICES INC.* d/b/a UNIVERSAL DIRECT SECURITY

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Defendant

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MOTION FOR DEFAULT JUDGMENT

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Plaintiff, Tanzy Bland, by her attorney, Joseph T. Mallon, Jr., pursuant to FRCVP 55(b) (2), requests this Court to enter judgment by default against Defendant, Direct Investigative Services, Inc. and in support thereof states:

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Defendant was served with a summons and Complaint on October 17, 2002.

2. Pursuant to FRCVP 12(a), Defendant was required to file a responsive pleading no later than November 6, 2002.

3. The Defendant has not filed a responsive pleading. (See affidavit of Joseph I. Tivvis, Jr. attached hereto as exhibit 1).

4. **The Defendant is a corporate entity and is not a member of the military .(See Affidavit of Joseph I. Tivvis, Jr. attached hereto as exhibit 2).**

5. The Plaintiff has been unfairly prejudiced by the Defendant's failure to plead because it has unreasonably delayed discovery which will make it more difficult for the Plaintiff to locate witnesses and physical evidence for trial.

WHEREFORE, for the reasons set forth above and for those reasons set forth in the Memorandum of Points and Authorities attached hereto, Plaintiff Bland respectfully requests that the Court enter default judgment against Defendant, Direct Investigative Services, Inc.

MEMORANDUM OF POINTS AND AUTHORITIES

FRCVP 55(b) pennits the Court to enter default judgment when a defendant has failed to timely file a responsive pleading. The defendant, a corporate entity, was served on October 17,

2002. FRCVP 12(a)(1)(A) requires that a defendant serve an answer "within 20 days after being

served with the summons and complaint,...

" More than 20 days have passed since the defendant

was served, yet the defendant has not filed an answer. Default Judgment is appropriate because

Defendant's delay has been so great that it has unfairly prejudiced the Plaintiff.

The Complaint

alleges that the Plaintiff was terminated from her employment because she was pregnant.

Accordingly, Plaintiff lost her primary source of income and can not be justly compensated until

this matter has been resolved. Furthermore, Plaintiff has been unable to pursue discovery in

earnest which will ultimately make it more difficult to prepare her case for trial.

The defendant has failed to file a response to the Plaintiff's complaint and has therefore

unfairly prejudiced the Plaintiff. Therefore, the Plaintiff requests that this Court enter judgment

in default against the Defendant, Direct Investigative Services,

Inc.


Joseph JT/Mallon, Jr.
Federal Bar No. 22878
MALLON & MCCOOL, LLC
16 South Calvert Street, Suite 1002 Baltimore, Maryland 21202
Phone: (410) 727- 7887

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CERTIFICATE OF SERVICE

 I HEREBY CERTIFY that on this~ day of May, 2003, a copy of the foregoing Motion for Default Judgment, Memorandum of Points and Authorities and proposed Order were

mailed first-class, postage prepaid, to:

Direct Investigative Services, Inc. d/b/a Universal Direct Security
6615 Reisterstown Road
Suite 305
Baltimore, Maryland

21215


JOSEPH T MALLON,

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